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Attorneys for Defendant
Cavalry Portfolio Services, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

12 JESUS VICTOR RODRIGUEZ, } CASE NO.: 11-CV-1837-LAB-MDD
13 Plaintiffs, }
14 vs. }
15 CAVALRY PORTFOLIO } DECLARATION OF TERRY W.
16 SERVICES, LLC, } RIVERA IN SUPPORT OF
17 Defendant. } DEFENDANT'S MOTION FOR
18 } SUMMARY JUDGMENT
19 Date: February 6, 2012
Time: 11:30 a.m.
Crtrm: 9, Second Floor
The Honorable Larry A. Burns

1 1. I am a paralegal at defendant Cavalry Portfolio Services, LLC
2 (“Cavalry”). I make this declaration in support of Cavalry’s motion for summary
3 judgment. I have knowledge of the facts set forth below based upon my review of
4 the documents maintained by Cavalry Portfolio Services, LLC, and could and
5 would testify thereto if called upon to do so.

6 2. Cavalry’s affiliate, Cavalry SPV I, LLC purchases unpaid receivables
7 from a variety of credit grantors, including banks, credit unions, consumer finance
8 companies and automobile finance companies. On October 29, 2010, Cavalry
9 SPV I, LLC bought a portfolio of unpaid, charged-off credit card accounts from
10 non-party Wells Fargo Bank, including two accounts belonging to plaintiff Jesus
11 Victor Rodriguez. The total amount due on the two accounts was \$102,839.86.

12 3. On November 1, 2010, Cavalry SPV I, LLC assigned Rodriguez’s
13 accounts to Cavalry for collection.

14 4. As part of the collection process, Cavalry corresponds with and
15 telephones debtors. To ensure that it has accurate addresses and telephone
16 numbers for the debtors from whom it attempts to collect, Cavalry engages in
17 “skip tracing,” a process designed to obtain or confirm location information. One
18 source that Cavalry uses in this process is Experian, a consumer credit reporting
19 agency, which issues consumer credit reports.

20 5. On January 8, 2003, Cavalry entered into a Subscriber Service
21 Agreement with Experian, certifying and warranting that it would request and use
22 credit information received from Experian solely in connection with credit
23 transactions or for other “permissible purposes,” as defined by the federal Fair
24 Credit Reporting Act. Cavalry further certified and warranted that it would
25 request and use information received from Experian solely in connection with
26 transactions involving the consumer as to whom such information was sought, and
27 would not request or use such information for purposes prohibited by law. On

1 January 30, 2003, Cavalry separately certified to Experian that it would use
2 consumer credit information it obtained from Experian for collection purposes.

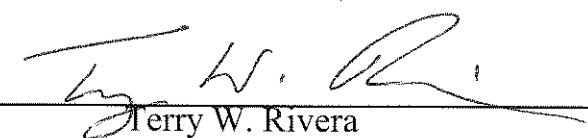
3 6. On November 16, 2010, Cavalry ordered a copy of Rodriguez's
4 consumer credit report from Experian. Cavalry did so to confirm that it had the
5 correct contact information for Rodriguez, which it needed to contact him
6 regarding payment of the accounts, and as part of its analysis into Rodriguez's
7 ability to repay the accounts.

8 7. After acquiring Rodriguez's credit report from Experian, Cavalry
9 attempted to contact Rodriguez by telephone, and sent him a number of letters
10 seeking payment.
11

12 I declare under penalty of perjury that the foregoing is true and correct.

13 Executed this 9 day of December, 2011 in Valhalla, N.Y..

14 By:

15 
16 Terry W. Rivera

PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to this action. My business address is 44 Montgomery Street, Suite 3010, San Francisco, California 94104-4816.

I am readily familiar with the business practices of my employer, Simmonds & Narita LLP, for the collection and processing of correspondence by mailing with the United States Postal Service and that said correspondence is deposited with the United States Postal Service that same day in the ordinary course of business.

On this date, I served a copy of the following document:

1) DECLARATION OF TERRY W. RIVERA IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

by causing such document to be placed in a sealed envelope for collection and delivery by the United States Postal Service to the addressee indicated below:

VIA U.S. MAIL

Jesus Victor Rodriguez
10531 4s Commons Drive, Suite 426
San Diego, CA 92127
Plaintiff

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California on this 9th day of December, 2011.

Sally Kaw

Sally Koo